IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.1906 OF 2006

Smita Narendra Chaudhari .... Petitioner

versus

The Commissioner of Police,& ors.. Respondents

Mr.Pravin Singhal,Advocate for Petitioner

Mr.D.S.Mhaispurkar, A.P.P.for Respondents

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 7th September, 2006

P.C.

1. Heard.

2. The petition can be disposed of at the stage of admission itself. The petitioner is required to approach this Court for seeking directions to

transfer the investigation in CR No.304 of 2005 under section 376, 420 IPC registered by Oshiwara Police Station, Mumbai on 5th May, 2005 as Oshiwara Police Station has failed to carry out any investigation and therefore according to the petitioner, it may be transferred to the State CID. We fail to understand why the Police Officer in-charge of Oshiwara Police Station, Mumbai is sitting over the case since 5th May, 2005 particularly when offences which have been registered are of a serious nature i.e. under section 376 and 420 IPC. The petitioner has also annexed a copy of parentage which is received from the Forensic Science Laboratory, Mumbai which supports her case. We therefore, direct Oshiwara Police Station, Mumbai to complete the investigation in the matter and file their report within two weeks and copy of the same be also furnished to the petitioner. The Senior Inspector of Police, Oshiwara Police Station, Mumbai would give notice to the petitioner after the report is filed in the Court of competent Magistrate so that the petitioner can follow up the case.

3. The petition stands disposed of accordingly

with liberty to the petitioner to approach this Court if there is any non-compliance of the order.

4. An authenticated copy of the order be furnished to the learned counsel for the parties.

(Smt Roshan Dalvi,J) **(J.N.Patel, J)**